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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,259	10/27/2003	E. Dale Fenton	2074/40316/1	4125

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EXAMINER

DUNN, DAVID R

ART UNIT

PAPER NUMBER

3616

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/694,259

**Applicant(s)**

FENTON, E. DALE

**Examiner**

David Dunn

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-24 is/are allowed.
- 6) ☒ Claim(s) 1,5-7,9-13 and 25 is/are rejected.
- 7) ☒ Claim(s) 2-4 and 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

This Office Action is responsive to the amendment filed October 11, 2005.

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 25 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 25 recites the limitations "said front spring" in line 5 and "said rear spring" in line

7. There is insufficient antecedent basis for these limitations in the claim. [It is noted that the preamble recites "a first spring" and "a second spring", not front and rear springs.]

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 5-7, and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Black (US 3,003,781).

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Black discloses an isolator to be used in a suspension system for a vehicle having generally parallel first and second axles (5), the isolator comprising: a front shaft (shaft at “46”, see Figures 1 and 2) generally parallel to the axles; a rear shaft (at 46); means (12) for attaching the shafts to the vehicle (2); a front transitional arm (47) attached to the front shaft; a rear transitional arm (47); a resilient member (27) attached to the transitional arms; a front link (28) attached to the front shaft; a rear link arm (28); wherein when force is applied to the front link arm, the front shaft and front transitional arm rotate and the resilient member is compressed or expanded. The resilient member is an air bag (air spring 27). The transitional arms include attachment brackets (50) including an air bag aperture (71). An air hose (89, etc.; see Figures 6 & 7) is connected to the air bag. The link arm includes a shackle (51; see Figure 4). The shafts include bearings (46).

5. Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Larison (US 2,170,454).

Larison discloses an isolator to be used in a suspension system for a vehicle, the isolator comprising: a front shaft (27; see Figure 4) and a rear shaft (27); means for attaching (20) said front shaft and said rear shaft to the vehicle, the shafts being rotatable relative to the attaching means; a front transitional arm (19) fixedly attached to the front shaft; a rear transitional arm (19<sup>1</sup>) fixedly attached to the rear shaft; a resilient member (23) attached to the transitional arms; a front link arm (30) attached to the front shaft; a rear link arm (30<sup>1</sup>) attached to the rear shaft; wherein when force is applied to either of the link arms; the respective shaft and transitional arm rotate and the resilient member is compressed (see, Figure 5) or expanded.

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6. Claim 25 is rejected under 35 U.S.C. 102(b) as being anticipated by Strong (US 4,504,079).

Strong discloses an isolator (see Figure 8) to be used in a suspension system for a vehicle having a first axle supported by a first spring (50) and a second axle supported by a second spring (50), the isolator comprising: a resilient member (64); a first shaft (unnumber shaft joining member 56 to 54) operatively connected to the front spring and the resilient member, wherein said first shaft rotates in response to forces applied to the spring; a rear shaft (unnumber shaft joining member 56 to 54 on other axle); and wherein rotation of the shafts transmits forces to the resilient member (64).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Black in view of Willetts (US 3,856,325).

Black is discussed above but fails to show tapered bearings.

Willetts shows that tapered bearings are old and well known in the art. See 142; Figure

3.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Black with the teachings of Willetts in order to provide an improved bearing.

***Allowable Subject Matter***

9. Claims 14-24 are allowed.
10. Claims 2-4 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

11. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

This Office Action is non-final due to the error in the prior office action which included claim 9 under both the rejections and allowable subject matter sections. As noted above, claim 9 is rejected by Larison. Applicant did not provide specific arguments regarding claim 9.

***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Dunn whose telephone number is 571-272-6670. The examiner can normally be reached on Mon-Fri, 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'David Dunn', with a long horizontal flourish extending to the right.

David Dunn  
Primary Examiner  
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